WP(C) 5375/2006
BEFORE
THE HON'BLE MR JUSTICE I.A.ANSARI
Heard Mr. NC Das, learned Senior counsel for the petitioner, and Ms.BL Sinha, learned Govt. Advocate, appearing on behalf of the respondent Nos.1 to 4. Also heard Mr. KK Phookan, learned counsel appearing for the respondent No.5.

The petitioner has been the lessee in respect of No.22 Laipulia Fishery, in the district of Dhemaji, for three years with effect from 01.12.2001 to 30.11.2004. By order, dated 20.12.2005, the petitioner's lease was extended with effect from 01.12.2004 to 31.12.2007.

By order, dated 15.09.2006, issued by the respondent No.4, namely, Additional Deputy Commissioner, Dhemaji, when the petitioner's order of extension was cancelled on the ground that the petitioner had not paid his outstanding dues, the petitioner came to this Court seeking, inter alia, with the help of the present application made under Article 226 of the Constitution of India, issuance of writ(s) setting aside and quashing the order, dated 15.09.2006, aforementioned. While issuing notice of motion, on 03.11.2006, the Court suspended the order, dated 15.09.2006, and in consequence thereof, the petitioner has remained in possession of the said fishery and has been operating the same.

Considering the matter in its entirety and in the interest of justice, it is hereby directed that no further extension of the said lease shall be made in favour of the petitioner and the petitioner shall pay, within a month from today, all his outstanding dues. The respondent No.3, namely, Deputy Commissioner, Dhemaji, shall examine the amount, which is due and payable by the petitioner and serve, on the petitioner, a notice for payment of the dues found payable by the petitioner. Within three weeks from the date of receipt of the notice, the petitioner shall pay all his outstanding dues.

Upon expiry of the lease on 30.11.2007, the State respondents, including the respondent No.5, shall be at liberty to settle the said fishery in accordance with law. The process of such settlement may, however, be started before the date of expiry of the presently extended period of lease. In the process of selection for fresh settlement, the petitioner shall be allowed to participate if he is, otherwise, found eligible for this purpose.

With the above observations and directions, this writ petition shall stand disposed of. No order as to costs.